

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-18630 - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-1-1/gt, sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-18349), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for a Beer/Wine/Cooler Off-Sale Establishment in a Proposed Service Station without Automotive Repair at the northeast corner of Grand Teton Drive and Durango Drive. This application is related to SUP-18347 and SDR-18349.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
3/17/99	The Board of County Commissioners approved the rezoning (ZC-1702-98) of the northeast corner of Durango Drive and Grand Teton Drive.
6/08/99	The City Council approved the annexation [A-28-99(A)] of the subject site. The effective date of the annexation was September 24, 1999.
6/21/00	The City Council approved a Special use Permit (U-0011-00) for a tavern at the subject site. The Planning Commission and staff recommended approval.
7/17/02	The City Council approved of an Extension of Time [U-0011-00(1)] for the approved Tavern. The Planning Commission and staff recommended approval.
03/17/04	The City Council approved a General Plan Amendment application (GPA-3483) from PCD (Planned Community Development) to SC (Service Commercial), a Rezoning (ZON-3509) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], and a Review of Condition (ROC-2671) to remove a condition that restricted commercial development to the western portion of the subject site. The Planning Commission recommended approval of the GPA, ZON and ROC on 1/22/04 and tabled requests for a Special Use Permit (SUP-3513) for a proposed mini-warehouse facility, and a Site Development Plan Review application (SDR-3511) for a proposed 71,570 square foot office, tavern, mini-storage development. Staff recommended approval for all five applications.

04/06/05	The City Council approved a Special Use Permit (SUP-5691) for a Tavern and a Waiver from the distance separation requirements from an existing park, a Variance (VAR-5694) to allow a 24-foot setback where residential adjacency standards require a minimum of 73 feet, a Variance (VAR-5693) a Variance to allow 132 parking spaces where 148 spaces are the minimum required, and a Site Development Plan Review (SDR-5689) for a 6,115 square-foot tavern and a Waiver of trash enclosure separation. The Planning Commission recommended approval on 03/10/05 and staff recommended denial.
01/11/07	The Planning Commission held in abeyance a Special Use Permit (SUP-18347) for a proposed 800 square foot Car Wash, Full Service; a Special Use Permit (18630) for a proposed Beer/Wine/Cooler Off-sale Establishment and a Site Development Plan Review (SDR-18349) for the Car Wash, a Service Station without automotive repair and a fast-food restaurant with a drive-through. Staff recommended denial.
02/08/07	The Planning Commission recommended approval of companion items SUP-18630 and SDR-18349 concurrently with this application.  The Planning Commission voted 5-1-1/gt/sd to recommend APPROVAL (PC Agenda Item #15/rl).

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/09/05	Business License L16-266-4-1214 issued for a Tavern issued to Tomfoolery, inactive effective 06/07/06.
06/07/06	Pending Business License requests created for The Lodge at Grand Teton including C05-96168-0-107791 for Tobacco Retailer, C08-96164-0-107791 for Coin Operated Amusements, C20-96167-7-850 for Convention Hall Gaming Tax, G01-96166-4-850 for Gaming-Restricted, and R09-96163-0-107791 for a Restaurant.
08/18/06	Building Permit C-0189-05 issued for a trash enclosure, on-site improvements and a Certificate of Occupancy for a tavern on the subject site.

<b><i>Pre-Application Meeting</i></b>	
11/13/06	At a Pre-application meeting, the applicant was told of the requirements for a site development plan review and the requirements for a special use permit. Additional detail was given regarding landscaping and parking requirements particular to the subject site.

<b><i>Neighborhood Meeting</i></b>	
01/02/06	<p>A neighborhood meeting was held at the Silverstone Golf Club 8600 Cupp Drive at 6:00 p.m. Attendance included three members of the development team, nine members of the public and one member of the Planning &amp; Development staff. The following concerns were brought up by members of the public:</p> <ul style="list-style-type: none"> <li>• Concerns about the speaker box of the fast food pad</li> <li>• Area over saturated by alcohol uses</li> <li>• Request for a family restaurant</li> <li>• No 24 hrs uses</li> </ul> <p>Concerns about Day Care use at 7955 Quail Heaven being too close to uses.</p>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.71

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Tavern, Undeveloped	SC (Service Commercial)	U(SC) Undeveloped (Service Commercial) under Resolution of Intent to C-1 (Limited Commercial)
North	Single Family	PCD (Planned Community Development)	R-PD6 (Residential Planned Community – 6 Units per Acre)
South	Single Family (under construction)	PCD (Planned Community Development)	R-PD7 (Residential Planned Community – 7 Units per Acre)
East	Single Family (under construction)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) under Resolution of Intent to R-PD7 (Residential Planned Community – 7 Units per Acre)
West	Undeveloped (proposed retail)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) under Resolution of Intent to C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A

## DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	115,730 Square Feet	Y
Min. Lot Width	100 Feet	220 Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	10 Feet	16 Feet	Y
• Corner	15 Feet	24 Feet	Y
• Rear	20 Feet	80 Feet	Y

Max. Lot Coverage	50%	12%	Y
Max. Building Height	N/A	32.75 Feet	Y
Trash Enclosure	50 Feet from residential uses	62 Feet	Y
Mech. Equipment	Screened	Screened	Y

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	79.5 Feet	105 Feet	Y
Adjacent development matching setback	10 Feet	80 Feet	Y
Trash Enclosure	50 Feet from residential uses	73 Feet	Y

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi- capped	Regular	Handi- capped	
Tavern (Existing)	3,171 SF Public seating 3,204 SF Remainder	1:50 SF  1:200 SF	64  16				
Car Wash*	800 SF	NA	NA				
Service Station	4,056	1:250 SF	16				
Restaurant*	650 SF Public seating 2,050 SF Remainder	1:50 SF  1:200 SF	13  10				
Sub-Total			114	5	122	5	
TOTAL –Including Handicapped			119		127		Y

\* The Restaurant Drive-Through and the Car Wash each provide six stacking spaces in addition to the above parking spaces provided.

## ANALYSIS

- General Plan and Zoning**

The subject site is located in the Centennial Hills Sector of the General Plan with a land-use designation of SC (Service Commercial). This designation allows for a variety of commercial uses that serve primarily local area patrons, including the proposed use. The subject site is under a Resolution of Intent to the C-1 (Limited Commercial) zoning district, within which the proposed Beer/Wine/Cooler Off-Sale Establishment use is permissible with a Special Use Permit.

- **Use**

The sale of beer/wine/coolers for consumption off-premise in conjunction with a car wash is an allowed use within the C-1 (Limited Commercial) Zoning District with the approval of a Special Use Permit. The reason for a special use permit is to ensure that a proposed use conducted in a manner that is harmonious and compatible with uses located on the same or surrounding properties. The process recognizes that, within a given zoning district, certain uses may be appropriate and compatible in some locations but not in others.

The Special Use Permit process allows a site-specific inquiry into the compatibility of a proposed use at a particular location, taking into account: the characteristics of the site and the surroundings; the relevant zoning and planning principles; and the input of the Planning Commission, City Council and other interested parties. The proposed Beer/Wine/Cooler Off-Sale Establishment use is not compatible with the surrounding neighborhoods because of the type, intensity and number of uses proposed on this site, in combination with the approved tavern. Therefore staff recommends denial.

- **Conditions**

The submitted documents indicate that the proposed use meets all of the applicable requirements for this special use from Title 19.04 listed below; however, the Beer/Wine/Cooler Off-Sale Establishment use is not appropriate at this particular location because of the type, intensity and number of uses proposed on this site.

The following conditions apply to the proposed use:

1. Except as otherwise provided in this Chapter, no retail establishment with accessory package liquor off-sale (hereinafter “establishment”) shall be located within four hundred feet of any church, synagogue, child care facility licensed for more than twelve children, or City park.
2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purpose of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

- a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Paragraph 1.
- 3. In the case of an establishment property to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property lines of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- 5. The minimum distance requirements in Paragraph 1 do not apply to:
  - a. An establishment which has a nonrestricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
  - b. A proposed establishment having more than fifty thousand square feet of retail floor space.
- 6. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
- 7. The minimum distance requirements set forth in paragraph 1, which are otherwise nonwaivable under the provisions of this subdivision, maybe be waived:
  - a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
  - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or



- c. In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or right-of-way with a width of at least one hundred feet.

## FINDINGS

**The following findings must be made for a Special Use Permit:**

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

While the proposed project is compatible with the General Plan land-use designation for the area and satisfies the requirements of the Zoning Code with respect to minimum separation distance requirements, the intensity of a Beer/Wine/Cooler Off-sale Establishment use on this site in combination with an approved tavern is too intense to be harmonious and compatible with the surrounding area.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The intensity of the Beer/Wine/Cooler Off-Sale Establishment use, particularly in combination with the other proposed uses on this site are too intense in scope and number for the surrounding residential neighborhoods.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Beer/Wine/Cooler Off-Sale Establishment use will be accessed from Durango Drive and Grand Teton Drive, identified on the Master Plan of Streets and Highways as a 100-foot Primary Arterials and a 120-Foot Parkway Arterial, respectively. While these roads have adequate capacity, the proposed uses are too intense for this intersection.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Beer/Wine/Cooler Off-Sale Establishment use in combination with the other proposed and approved uses is too intense for the location; and therefore, staff finds that approval of the Special Use Permit will be inconsistent with the public health, safety, and welfare as well as the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The subject site meets all applicable conditions for a Beer/Wine/Cooler Off-Sale Establishment as per the requirements of Title 19.04; however, for the aforementioned reasons, this use is not appropriate for the subject site.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 882 by City Clerk

**APPROVALS** 0

**PROTESTS** 1